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UNITED STATES PATENT AND TRADEMARK OFFICE

11-26-04

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IPa)

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/824,332	04/14/2004	Alan L. Backus	01001

CONFIRMATION NO. 5410

FORMALITIES LETTER



\*OC000000013059562\*

Date Mailed: 06/24/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/29/2004 TBESHAM1 00000056 100440 10824332

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 790.00 DA  
02 FC:1202 540.00 DA  
03 FC:1201 352.00 DA  
04 FC:1051 130.00 DA

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$884 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1784 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$884
  - \$344 for 4 independent claims over 3.

■ \$540 for 30 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*Smy*  
*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



Practitioner's Docket No. 65474-5002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Alan L. Backus, Ronald M. Popeil

Application No.: 10/824,332

Group No.: 1761

Filed: April 14, 2004

Examiner: Leyson, Joseph S.

For: PASTA, PASTRY, COOKIE, AND HORS D'OEUVRE MAKER

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMPLETION OF FILING REQUIREMENTS  
—NONPROVISIONAL APPLICATION**

I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed July 29, 2004.

A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

11/29/2004 TBESHAKI 00000056 100440 10624332

05 FC:1252 430.00 DA

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee"  
Mailing Label No. EV487391382US (mandatory)

**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Date: November 24, 2004

Karen Earl

*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(j). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## **DECLARATION OR OATH**

**II.** No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

## **DOMESTIC PRIORITY DATA AS CLAIMED BY APPLICANT**

**III.** Applicant notes the Patent Office shows on the Official Filing Receipt for 10/824,332 the domestic priority data as claimed by Applicant is "not consistent with PTO records." Applicant respectfully submits that the data is consistent, and requests that the Patent Office correct the Official Filing Receipt, or kindly let the Applicant know specifically what information is not consistent.

## **COMPLETION FEES**

**IV.**

1. Filing Fee

Original patent application (37 C.F.R. § 1.16(a))	\$790.00
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2. Fees for Claims

Each independent claim in excess of 3 (37 C.F.R. § 1.16(b))	\$352.00
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Each claim in excess of 20 (37 C.F.R. § 1.16(c))	\$540.00
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3. Surcharge Fees

Late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. § 1.16(e))	\$130.00
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Total Completion Fees	\$1,812.00
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## **EXTENSION OF TIME**

**V.** The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant petitions for an extension of time, the other than small entity fee for which is set out in 37 C.F.R. § 1.17(a)(2), for two months.

Fee \$430.00

If an additional extension of time is required, please consider this a petition therefor.

**TOTAL FEE DUE**

**VI.** The total fee due is:

Completion fees	\$1,812.00
Extension fee (if any)	\$430.00
Total Fee Due	\$2,242.00

**PAYMENT OF FEES**

**VII.** Authorization is hereby made to charge the amount of \$2,242.00 to Deposit Account No. 10-0440.

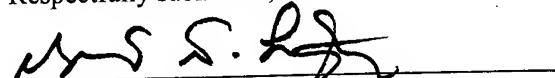
Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

**VIII.** The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

Respectfully submitted,



Date: November 24, 2004

Grant T. Langton  
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Seventh Floor  
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310-203-8080  
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